

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON, a
Washington Public Corporation; Eliza
Saunders, Director of the Office of Public
Records, in her personal and official
capacity; Alison Swenson, Compliance
Analyst, in her personal capacity; Perry
Tapper, Public Records Compliance
Officer, in his personal capacity; Andrew
Palmer, Compliance Analyst, in his
personal capacity; John or Jane Does 1-12,
in his or her personal capacity,

Defendants.

No. 2:17-cv-00642-MJP

DECLARATION OF JULIE DALESSIO IN
SUPPORT OF DENIAL OF DEFENDANTS'
MOTION FOR A PROTECTIVE ORDER

Note on Motion Calendar November 16, 2018

I, Julie Dalessio, declare as follows:

1. I am the Plaintiff in this above entitled action. I make this declaration based upon my own personal knowledge, upon facts which are admissible in evidence. I am competent to testify to the matters set forth in this declaration.

Betz Request – PR 2015-00570

2. I have previously sworn to the facts in this case, based on my personal knowledge.

Declaration
Dkt. 42 (Dalessio Declaration).
Case 2:17-cv-00642

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- 1 3. In September 2015, University of Washington (“UW”) Office of Public Records and
2 Open Public Meetings (“OPR”) through Alison Swenson produced in response to
3 Public Records Act (“PRA”) request number PR 2015-00570, made by my neighbor
4 David Betz, documents containing highly personal and confidential documents about
5 me, including Social Security Number (“SSN”), Date of Birth (“DOB”), Place of
6 Birth, and Health Information protected from disclosure by the Americans with
7 Disabilities Act (“ADA”), Health Information and Portability Accountability Act
8 (“HIPAA”), and the Washington state Health Care Information Access and Disclosure
9 (RCW 70.02.005 *et. seq.*). All of this information was given to my neighbor David
10 Betz without my authorization.
- 11 4. At no time did UW, any of the named Defendants in this lawsuit, or anyone else
12 associated with UW give me the opportunity to authorize the disclosure of these very
13 personal and private documents to a third party. The PRA provides for agencies to
14 give the opportunity to enjoin the release of records under RCW 42.56.540; however, I
15 was never given that opportunity. By the time I learned about the disclosure of my
16 personal and private records being disclosed to Mr. Betz, it was too late and damage
17 had been done.

18 **Dalessio Request – PR 2016-00218**

- 19 5. I wanted to find out what was given to Mr. Betz about me. Mr. Betz was suing me for
20 adverse possession and I wanted to know what information the UW OPR had given
21 him about me and that he planned to use in his lawsuit against me.
- 22 6. So, in April 2016, I made a PRA request to the UW OPR for all responsive documents
23 produced in request PR 2015-00570. In other words, I wanted all of the documents
24 that Mr. Betz received about me from the UW OPR. The UW OPR produced these
25 documents as “PR 2016-00218.”
- 26 7. I was shocked to find many of the documents produced in response to Mr. Betz’s PRA
27 request contained documents from my personnel file. I was especially offended that
28 these contained personal health information and multiple copies of my supervisor’s

1 personal opinions about my health and my job performance. I had never seen many of
2 these documents before I made this PRA request, and many of these documents were
3 the same documents that UW had agreed to remove from their files. In 2003 the UW
4 and I entered into a Settlement Agreement [Dkt. 30-3] in which the UW agreed in part
5 to remove enumerated files about me from its files.

6 8. I was very disturbed to find that many of these documents produced to Mr. Betz
7 contained my SSN. In fact, in ten (10) separate instances, my SSN appeared
8 unredacted in the PRA documents produced to Mr. Betz.

9 9. Defendants boast in this lawsuit numerous times that they successfully made 487
10 redactions and 101 pages of withholdings from the responsive documents given to Mr.
11 Betz. Dkt. 27 at 1.

12 10. This misses the point. The harm that can come from a SSN left unredacted is
13 tremendous because of the threat of identity theft and fraud. This is compounded
14 when it is considered that the UW OPR gave these documents to a person who wanted
15 to use this information to harass me.

16 11. It's shocking to me that the UW has this much personal private information circulating
17 around about me in various forms of media.

18 12. Defendants missed redaction of SSNs in three out of three productions of my personal
19 records that I know of.

20 13. I had well-grounded expectations of privacy in my personally identifiable information.
21 Statutes (including the PRA) and UW policies were in place at the time of my
22 employment that limited disclosure of personally identifiable information to
23 authorized persons only, that regulated the procedures for adding to and removing
24 documents from personnel files. One of these policies was provided by defendants in
25 discovery. *See* Ex. C. This policy was first posted on this webpage in 2002. *Id.* at 6

26 14. In April 2016 with the productions of PR 2016-00218, I first discovered that UW had
27 breached the 2003 Settlement agreement by publishing the Agreement in the PR 2015-
28 00570 to Mr. Betz [Dkt. 30-3], and failing "to withdraw from Dalessio's official

Personnel Department file and from all Department of Laboratory Medicine files the following documents and all attachments to each document, plus the originals of all such attachments” as specified in the Agreement. (Dkt. 30-3 at 2, ¶ 2)

15. Documents were kept by UW in breach of the agreement, and produced to my neighbor Mr. Betz in PR 2015-00570 (for example Dkt. 30-2 at 91, 93) and to me in PR 2016-00218 (a copy of PR 2015-00570).

16. I tried to work with UW to cure the issues.

Dalessio Request – PR 2016-00760

17. I feared many departments within Defendant UW were disclosing or could possibly disclose my personal, private information, so I submitted a PRA request to Defendant UW’s Office of Public Records and Open Public Meetings. Defendant UW designated this request as PR 2016-00760. This request sought “a digital copy of my departmental personnel file, along with any other computer or paper files that might contain records of inquiries concerning my employment at the UW since my resignation in 2003. I am also requesting any other records of departmental communications, concerning my employment with the UW, including phone logs, calendars, and emails exchanged with human resources, my former supervisor Rhoda Ashley Morrow or others concerning me.”

18. Dkt. 38, filed under seal is a copy of PR 2016-00760. The PRA production was mailed to me in two stages, originally on two compact discs (CDs) in four hundred and twenty-six separate files. The file names as listed on the CD, Dkt. 38, are the same file names that were produced by Andrew Palmer from the UW OPR. (There was no explanation given as to why these documents were scanned into 426 files. All of the other PRA responses were provided in one release file per CD)

19. PR 2016-00760 contains a shocking amount of personal information, a shocking number of places in the records where my SSN is unredacted

20. I did not present any documents to prove my identity, I did not make any personal request for my own records. I made a public records request for my personnel file.

1 Anyone else could have made the same request claiming to be me. Since there were
2 not any procedures in place to verify that the person making the request was me,
3 anyone could have made the PRA request. For example, there was not even a request
4 to furnish proof of government identification to prove the person making the request
5 was really me. UW OPR had no idea at the time of the request who was making the
6 request. *See* Dkt. 30 at 2. Defendant Swenson even testifies in her Declaration in Dkt.
7 30 that she did not know who I was. That is because UW OPR never once asked for
8 identification from me or from others to verify identity.

9 21. PR 2016-00760 contains readily identifiable personal health information, including a
10 psychiatrists' report that I had never seen before.

11 22. I did not ever waive my rights to privacy of these documents.

12 23. Documents were kept by UW in breach of the agreement and produced to me in PR
13 2016-00760 The CD filed under seal as Dkt. 38 contains copies of the documents
14 specified in the agreement to be removed as follows: attachment to memo
15 recommending further discipline (filed under seal as "00020-A1496194" and "00026-
16 A1496197"), attachment E to letter July 24, 2002 (filed under seal as "00219-
17 A1510603"), attachment A to letter July 24, 2002 ("00232- A1510612"), attachment B
18 to letter July 24, 2002 ("00236-A1510615" and "00489-A1510782" and "00489-
19 A1510782") attachment C to letter July 24, 2002 ("00277-A1510643"), attachment D
20 to letter July 24, 2002 ("00289-A1510652" and "00287- A1510651"), attachment A to
21 letter July 24, 2002 ("00299-A1510660", "00408-A1510731"), attachment 1 to July
22 12 memorandum ("00411-A1510733"), draft of memo recommending further
23 discipline ("00362-A1510699"), attachment 7 to July 24 letter ("00399-A1510726"),
24 originals and attachments to July 12 memorandum and July 24 letter ("00560-
25 A1519744" at 1-60), several attachments to July 12 memorandum and July 24 letter
26 ("314797" at 50-70).

27 24. Not only did UW fail to destroy the documents as they claimed (in a letter from UW
28 Attorney General to my attorney in the matter and also published to Mr. Betz (Dkt. 34

1 at 97)) but they interspersed multiple copies of the documents and produced them in
2 the PR 2015-00570, PR 2016-00218, PR 2016-00760.

3 25. I had well-grounded expectations that documents related to my supervisors' vendetta
4 against me would be removed from all UW files upon my resignation. This was a
5 term of the 2003 settlement agreement. UW AAG Jeffrey Davis provided written
6 assurance that UW had complied with this term.

7 26. At the time of my resignation, I had no idea that the UW was copying and distributing
8 confidential records to unauthorized persons, that my supervisor was emailing others
9 her opinions about my use of my body (Dkt. 34 p.66) that my supervisor was joking
10 with coworkers regarding my accommodations requests (Dkt. 38, 00463
11 A1510763.pdf), that University employees were meeting and discussing my physical
12 appearance and gossiping about my family and recording malicious, false accusations
13 regarding my abilities (Dkt. 38, 00362-A1510699.pdf), and that notes from this
14 meeting would be copied and placed in my personnel file, along with multiple copies
15 of selected, misleading documents, including several in breach of the Settlement
16 Agreement and that these records would be copied and distributed as the public record
17 to anyone who makes a PRA request. And, on top of that, UW shared my Labor and
18 Industries ("L&I") claim information, derisive and defamatory emails from my
19 supervisor containing unsolicited, unqualified opinions and directions about healthcare
20 (Dkt 34 at 71-73) (my supervisor has a PhD in microbiology), and more to
21 unauthorized persons.

22
23 27. These documents were not compiled and kept for me, and it's unlikely that this
24 misleading information was not disseminated within the UW, to National Institute of
25 Health ("NIH") auditors, and to potential employers inside and outside the UW
26 including affiliated institutions Harborview Medical Center, Fred Hutch Cancer
27 Research Center and Children's Regional Hospital and Medical Center. Even in the
28 unlikely event that these records were only given to me and to Mr. Betz in response to

1 PRA requests, this has caused substantial emotional distress. Reading this again has
2 brought back the nightmare of harassment and abuse that I suffered during
3 employment with the UW.

4 28. I have tried, through discovery requests, to find out the locations and chains of custody
5 of these documents. Defendants have objected to every request for production of
6 documents and interrogatory. More than two years have passed, and even with the
7 efforts of my pro bono counsel, Defendants have not participated in discovery to
8 reveal these facts.

9 29. I fear that the UW will reproduce these records again, upon any request. Defendants
10 have stated “[t]hese documents are part of the public record and must be produced as
11 such if requested.” Dkt. 39 at 5 and even now, in Defendants’ motion for summary
12 judgment, state at footnote 9 “[t]he University would certainly voluntarily agree to
13 redact the SSN that was unintentionally missed if another third-party request for her
14 records was made, and clearly attempted to do so here.” Dkt. 119 at 20. This seems
15 clear to me that defendants have no intention of redacting anything except SSN from
16 future PRA requests, and that they intend to release these same records that are at
17 issue in this lawsuit in response to all future requests for information about me.

18 30. Defendants have also made it clear that they will not give notice or even inform me
19 prior to (or even after) any production of these records.

20 **PRA Requests for Other Employee Records**

21 31. I submitted PRA requests to the UW OPR in attempts to discover whether the
22 defendants’ responses to PRA requests were consistent, or whether my records were
23 treated differently.

24 32. In responses to my PRA requests, defendants produced other employees’ records as
25 described in my First amended complaint. Dkt. 82.

26
27 33. It turns out that UW OPR routinely gives out personally identifiable employee
28 information in conjunction with DOB, Employee ID, personal contact information,

1 and health information etc.

2 34. Defendants missed redactions of SSNs in two out of eight UW OPR productions of
3 other employees' records to me.

4 35. On April 17, 2017, I emailed a PRA request to UW OPR for the records of ten
5 employees who were identified as clients of the UW Disability services office in PR
6 2015-00570. Dkt. 30-2 at 218.

7 36. The UW OPR produced four thousand eight hundred and ten responsive documents in
8 four stages, on four CDs, with the final installment on June 5, 2018 as PR 2017-
9 00359.

10 37. The personally identifiable records of the ten employees are not separated in any way
11 in the CDs. The employee records appear to be somewhat randomly mixed up, with
12 multiple copies of some documents.

13 38. These employees' names all appear in conjunction with other personal other
14 information.

15 39. Dkt 37-5, 6, 7 are a few pages that I selected from PR 2017-00359 of which I filed
16 with the court. These documents were produced in UW OPR response to my PRA
17 request for records of clients of the UW disability services office. The documents
18 were provided to me with names unredacted. I tried to scribble out the clients' names
19 before filing the records with this court.

20 40. These documents are clearly identified as "personal and confidential" and contain
21 health information and disability accommodation information

22 41. I couldn't didn't get useable copies of these documents from defendants until just this
23 week, when defendants produced over 10,000 pages on November 9. Defendants
24 would not stipulate to filing these documents under seal, and defendants would not
25 agree to renote their motion for summary judgment. With only three days (weekend
26 and holiday) before the deadline for my response to defendants' motion for summary
27 judgment, there was not enough time to write a motion to seal records and incorporate
28 these documents into evidence.

- 1 42. On April 17, 2017, I emailed a PRA request to UW OPR for the records of four former
2 employees of the UW department of laboratory medicine.
- 3 43. On February 22, 2018 the UW OPR produced the final of two installments responsive
4 documents in PR 2017-00822, for a total of 1599 responsive documents.
- 5 44. The personally identifiable records of the four employees are not separated in any
6 way in the CDs. The employee records appear to be somewhat randomly mixed up,
7 with multiple copies of some documents.
- 8 45. These employees' names all appear in conjunction with other personal other
9 information (DOB, Employee ID, personal contact info. Etc).
- 10 46. Some of the documents are clearly labeled "sensitive, confidential."
- 11 47. For example, one document produced to me in PR 2017-00822 is labelled "Physician
12 estimate of physical capacities" with "Outpatient medical record/Ongoing Clinical
13 Care" noted at the bottom of the page. This page contains a diagnosis, signed by a
14 physician, DOB, Date of injury, part of body injured, height, weight, marital status in
15 conjunction with the patient's name. (uw005511 not in record).
- 16 48. PR 2017-00822 also contains several emails between the employee's supervisor and
17 others regarding regarding employee's personal medical issues, therapy. (uw006005-
18 uw006009, not in record).
- 19 49. On April 17, 2017, I emailed a PRA request to UW OPR for the records of two current
20 employees of the UW department of laboratory medicine.
- 21 50. UW OPR responded in separate productions for each employee. PR 2017-00357
22 containing 618 responsive documents, and PR 2017-00358 containing 726 documents.
- 23 51. These Documents produced in response to my PRA requests contain employee names
24 in conjunction with other confidential information including DOB, EID, Insurance and
25 pension information, workplace location, height, weight, tobacco use, payroll records,
26 personal contact information and more.
- 27 52. For Example, PR 2017-00358 contains a copy of the employee's Immigration and
28 Naturalization I-94 departure record and for I9 Employment eligibility verification.

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